IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 32080 of 2006(R)

PETITIONER:

N.C. INASU, AGED 62 YEARS,
S/O.CHACKU, NEELANKAVIL HOUSE,
PERINGAVU VILLAGE, KIZHAKKUMPATTUKARA DESOM,
THRISSUR TALUK.

BY ADV. SRI.K.B.MOHANDAS
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH

RESPONDENTS:

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1. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, POONKUNNAM, THRISSUR-680 002.

2. THE STATE OF KERALA, REPRESENED BY
THE CHIEF SECRETARY TO THE GOVERNMENT OF
KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

3. JESSY, AGED 41, M/S.ALAPPAT AGENCIES,
KIZHAKKUMPATTUKARA VILLAGE,
NELLANKARA DESOM, THRISSUR TALUK.

4. TONY, M/S.ALAPPAT AGENCIES,
KIZHAKKUMPATTUKARA VILLAGE,
NELLANKARA DESOM, THRISSUR TALUK.

R1 BY ADV. SRI.M.K.CHANDRAMOHAN DAS, SC
R2 BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.32080 of 2006

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Dated this the 4th day of December, 2006.

JUDGMENT

Having regard to the contentions raised, I do not think any notice need be issued to respondents 3 and 4 as this court does not propose to issue any adverse order against them. Petitioner's grievance is that the brick manufacturing industry proposed by respondents will cause pollution and first respondent has irregularly issued consent to respondents 3 and 4. In the first place, if the industry causes pollution in the area, the local residents should be opposing the same. Even if Pollution Control Board has issued consent letter, the same does not bar the District Collector or the local authority to interfere in the matter, if on enquiry it is found that the industry causes pollution beyond permitted levels. The petitioner is directed to approach the District Collector or the local authority, whether it be the Municipality or the Panchayat with a petition complaining about pollution if there is pollution. The Collector or the local authority as the case may be, will conduct enquiry during working hours of the factory and take evidence from the local public and if the industry causes pollution, they will take up the matter with the first respondent who will take appropriate step for withdrawing consent. The local authority and the Collector are also free to issue prohibitory orders if the industry causes pollution. I make it clear that no adverse order should be issued against respondents 3 or 4 without issuing notice to them containing the proposals

and giving them opportunity of hearing. The petitioner will produce copy of this W.P. also before the Collector or local authority for appropriate action.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms